

REMARKS

This is in response to the Office Action mailed on February 6, 2007.

No claims were amended. Claims 1- 23 are pending in this application.

Claims 1-4, 6, 9-13 and 15-21 were rejected under 35 USC § 103(a) as being unpatentable over Holdrege et al. (U.S. Patent No. 6,845,087), hereafter “Holdrege”, in view of Fuerter (U.S. Patent No. 6,125,109), hereafter “Fuerter”. The rejection is respectfully traversed, as the references alone or combined, do not teach or suggest all the element identified by the Office Action. Thus, a proper *prima facie* case of obviousness has not been established.

The Office Action indicates that in Holdrege, “at least two infrastructure nodes receive a transmitted signal from a single first wireless node (infrastructure nodes reads on source node - see Holdrege: Abstract; col. 2 lines 64-67; col. 3 lines 1-12, 30-39, 50-59). The cited text has been reviewed, and it does not appear to teach what was stated in the Office Action. The cited text describes communications between type A nodes and type B nodes during source node transmit windows and receive windows. The Abstract refers to source and destination nodes in the singular. There is no teaching describing receipt by multiple nodes. Similarly, Col. 2, lines 64-67 and Col. 3, lines 1-12, 30-39 and 50-59 also refer to the nodes in the singular: “the source nodes receives over the first CDMA link from the destination node during the source node receive window...CDMA links may be used between any two nodes” Col. 3, lines 5-11. The rest of Col. 3 describes selecting an assignable CDMA spreading code and how a source node and a destination node use the code to establish communications, forming a “virtual circuit”. This teaching appears to teach away from the claim language referenced in the Office Action of “at least two infrastructure nodes receive a transmitted signal from a single first wireless node.”

It should be further noted that the background section describes: “Other signals may be present in the received signal, including interference and additional spread spectrum signals (created with additional, uncorrelated spreading codes). However, in general, the additional signals produce an output that appears as random noise with respect to the desired spreading code. Thus, multiple nodes may transmit overlapping spread spectrum signals without preventing recovery of the other simultaneously transmitted signals.” Col. 1, lines 60-67. This language

reinforces that nodes communicate directly with each other, and that other signals appear as noise and are not received.

The Office Action also states that “Holdrege discloses signal transmission and reception over a CDMA, which inherently implements rake or diversity receiver, but fails to mention a module or combiner for combining at least two of the signals received at the multiple independent infrastructure nodes to estimate the signal transmitted by the single first wireless node.” Applicant is unsure how the assertion of inherency is related to the claims, and hereby traverses it, as it has not been shown how the result necessarily flows from the alleged inherent feature. In fact, the alleged inherent feature as it relates to the claim is also not understood.

The missing element, “a module that combines at least two of the signals received at the multiple independent infrastructure nodes to estimate the signal transmitted by the single first wireless node” is said to be provided by Fueter. First, as described above, two signals are not received by multiple independent infrastructure nodes. Thus, this element is also lacking from the references. Second, Fueter deals with a repeater that receives a multipath signal, which is a signal transmitted from a single device to another single device, the repeater. The signal may follow paths of different lengths or delays to two antennas of the repeater, and further delays within the repeater before being combined. It is clearly not two different infrastructure nodes receiving signals from a same transmitter.

Each of the independent claims describe multiple infrastructure nodes receiving signals from a node, and then combining the received signals to estimate the transmitted signal. The references clearly lack this teaching. The rejection should be withdrawn, as a *prima facie* case of obviousness has not been established.

Claim 5 was rejected under 35 USC § 103(a) as being unpatentable over Holdrege et al. (U.S. Patent No. 6,845,087), hereafter “Holdrege”, in view of Fuerter (U.S. Patent No. 6,125,109), hereafter “Fuerter” as applied to claim 1 above, further in view of Partyka (U.S. Patent No. 6,058,137), hereafter “Partyka”. This rejection is respectfully traversed at least in part because the claim from which claim 5 depends is believed patentable as discussed above.

Claims 7, 8, 14, 22 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Holdrege et al. (U.S. Patent No. 6,845,087), hereafter “Holdrege”, in view of Fuerter (U.S. Patent No. 6,125,109), hereafter “Fuerter”, as applied to claims 6, 13 and 21 above, further in view of Smee et al. (U.S. Patent No. 6,990,137), hereafter “Smee”. This rejection is respectfully traversed at least in part because the claim from which these claims depend is believed patentable as discussed above.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant’s silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

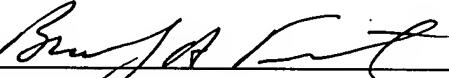
Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 309 day of May, 2007.

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